IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

MFA.No. 1412 of 2001

OPMV.3643/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT: PETITIONER

ASHRAF, AGED 28 YEARS, S/o ABDULLA
AKOTEHAIL HOUSE, ALLI P.O. MUKKAM KOZHIKODE

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH
SRI.V.M.ABHILASH

RESPONDENTS: RESPONDENTS
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1. K. MOHANRAJ S/o APPUKUTTAN, KANNAPPATHU HOUSE,
MANJERI, MALAPPURAM
2. BEERANKUTTY S/o MUHAMMAD, KILIKKAL HOUSE
AREAKODE P.O., MALAPPURAM
3. NEW INDIA INSURANCE CO LTD, MUNICIPAL BUS STAND
CANNANORE
4. ABDUL RAHIMAN S/o ALI AYANIKUNNATH HOUSE,
THEKKUNKUTTY, MUKKOM, KOZHIKODE
5. HANEEFA S/o KUNJIDU, MANGALATHU HOUSE
THEKKUMKUTTY MUKKOM, KOZHIKODE
6. THE UNITED INDIA INSURANCE CO. LTD
BRANCH II, MAVOOR ROAD, KOZHIKODE

R4 & R5 BY ADV. SRI.P.P.JACOB
R3 BY ADV. SRI.VPK.PANICKER
R6 BY ADVOCATE SRI.J.MATHAPPAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.F.A. NO 1412 OF 2001

Dated: 19th September 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident was admitted. So also the negligence on the part of the driver of the bus. The only question to be considered is whether the compensation awarded is just and proper. Claimant, aged 18 years, was a student at the time of accident. Paragraph 10 of the award deals with amounts granted by the Tribunal under different heads. An amount of Rs 7,000/- was awarded for pain and suffering. Considering the fact that he was hospitalised for number of days and undergone medical treatment the amount awarded by the Tribunal is on the lower side. We award a sum of Rs 8,000/- towards additional compensation under that head. For permanent disability Tribunal awarded a sum of Rs 7,000/-. Considering the fact that the claimant has got continuous disability, we are of the view that Rs 7,000/- awarded is on the lower side. We therefore award additional compensation of Rs 8,000/- on that count. In all we award additional compensation of Rs 16,000/- with interest at 7.5%

from the date of petition till payment. The award passed by the Tribunal is modified accordingly and the appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

19/09/2007
en

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